

AFFIDAVIT OF NON-DEVELOPMENT

BOOK **666** PAGE **557**

STATE OF WEST VIRGINIA

COUNTY OF MARSHALL, to-wit:

JAN PEST
MARSHALL County 10:11:44 AM
Instrument No 1250325
Date Recorded 03/12/2008
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Rec/Preserve \$5.00 \$1.00

I, **O. E. Burge**, of **Cameron, West Virginia**, being of lawful age and being duly sworn, state that for the past 48 years I have been very familiar with the use and occupancy of that certain tract of land described as follows, to wit:

Legal Description: Subject lands situate in the Liberty District, Marshall County, West Virginia, being 28 acres, more or less, Tax Map #29, Parcel 2

The Lands were subject to the following Oil and Gas Leases (the "Leases"):

1. Oil and Gas Lease of 820 acres from Joshua Yoho and Sarah C. Yoho, his wife, to South Penn Oil Co., dated February 18, 1895, of record in the aforesaid Clerk's office in Deed Book No. 49, at page 214, for the term of five (5) years from this date, and as much longer as the rent for failure to commence operations is paid, and as long after the commencement of operations as said premises are operated for the production of oil or gas.
2. Oil and Gas Lease of 800 acres from Joshua Yoho and Sarah Yoho, his wife, to J. C. Trees, dated January 4, 1898, of record in the aforesaid Clerk's office in Deed Book No. 56, at page 303, for the term of three (3) years from the date hereof, and as much longer as oil or gas is found in paying quantities or the rental paid thereon.
3. Oil and Gas Lease of 800 acres from Joshua Yoho and Sarah C. Yoho, his wife, to B. A. Pyles, dated October 4, 1900, of record in the aforesaid Clerk's office in Deed Book No. 74, at page 465, for the term of five (5) years from the date hereof, and so long thereafter as oil or gas can be produced in paying quantities.
4. Oil and Gas Lease of thirty (30) parcels consisting of 2,658 acres from Esther Nell Mason, widow, Guy W. Mason, single, Hope Mason Conner, widow, Olga Haines and Ed Haines, her husband, Mary Yoho and George I. Yoho, her husband, Margaret Yoho and Guy Yoho, her husband, and Denver Yoho and Okla J. Yoho, her husband, to D. and H. Oil Company, dated March 5, 1980, of record in the aforesaid Clerk's office in Deed Book No. 484, at page 171, for the term of ten (10) years from this date and as long thereafter as oil or gas is produced from the said lands by the said Lessee, its successors and assigns.
5. Oil and Gas Lease of 2,658 acres from Nell Mason, widow, Guy W. Mason, single, Hope Mason Conner, widow, Olga A. Haines, widow, George I. Yoho and Mary Yoho, his wife, Guy Yoho and Margaret Yoho, his wife, and Okla J. Yoho and Denver Yoho, his wife, to Petroleum Development Corporation, dated May 16, 1981, of record in the aforesaid Clerk's office in Deed Book No. 484, at page 686, for the term of five (5) years from this date and as long thereafter as operations for oil and gas are being conducted on the premises, or oil or gas is found in paying quantities thereon.

That I know of my own knowledge that no oil and/or gas is currently being produced under the terms of the aforesaid Leases upon any of the above described property; that to my knowledge no royalties are currently being paid pursuant to the aforesaid Leases on the above described property; and that I know to the best of my own knowledge that the aforesaid Leases have heretofore been abandoned, surrendered and otherwise terminated.

I further state that I know to the best of my own knowledge that no production of oil and/or gas is currently being produced pursuant to the aforesaid Leases on other property covered by said Leases, if any, or other property pooled or unitized therewith, if any.

Further Affiant sayeth naught.

Executed this 20 day of Feb, 2008

O E Burge

ACKNOWLEDGEMENT

STATE OF FLORIDA }

COUNTY OF Pinellas } SS:

On the 20 day of February, 2008, before me personally came the above named: **O. E. Burge**, being person(s) known to me to be the same person(s) described herein and who acknowledge having executed the foregoing instrument.

My commission expires May 23, 2010

Sandra M. Leishman
Signature / Notary Public

SANDRA M. LEISHMAN
Name / Notary Public (print)



✓ **County Recorder:** Please return recorded document to Mason Dixon Energy, Inc., 101 Cambridge Place, Bridgeport, WV 26330

STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 20th day of February, 2008, was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 12th day of March, 2008 at 10:11 o'clock A.M.

TESTE: *Jan Pest* Clerk.